

**Congress of the United States**  
**Washington, DC 20515**

June 30, 2005

Mr. Brett Gerry  
Associate Counsel  
Office of Counsel to the President  
The White House  
1600 Pennsylvania Ave. NW  
Washington, DC 20502

Ms. Margaret P. Grafeld  
Information and Privacy Coordinator  
Office of Information Programs & Services  
A/RPS/IPS/RL  
U.S. Department of State, SA-2  
Washington, DC 20522-6001

Mr. C.Y. Talbott  
Chief, Office of Freedom of Information and Security Review  
U.S. Department of Defense  
1155 Defense Pentagon  
Washington, DC 20301-1155

**Re: Request Submitted Under the Freedom of Information Act**

Dear Sirs and Madam:

This letter constitutes a request pursuant to the Freedom of Information Act (FOIA),  
5 U.S.C. § 552.

Recently leaked memoranda from Great Britain indicate that the United States and the United Kingdom may have engaged in communications over the use of Iraqi intelligence, the existence of weapons of mass destruction, and potential military action in Iraq throughout the summer of 2002. This is alleged to have occurred long before the Administration sought Congressional authority to engage in such military action. Because these memoranda raise serious questions over when these important decisions were made, we seek the release of all agency records, including but not limited to handwritten notes, formal correspondence, electronic mail messages, intelligence reports and other memoranda, as described in the numbered paragraphs below:

1. All original statements, documents, press releases, and the like, and copies of the same, publicly issued, or available related to the lead-up to military action in Iraq, beginning with President Bush's transition into office in 2000 through the present.
2. All original documents, and copies of the same, as well as statements related to the subject matter of the Downing Street Minutes<sup>1</sup> of July 23, 2002 and all similar and related memoranda.
3. All records regarding the collection and analysis of intelligence related to Iraq and to whether it possessed weapons of mass destruction, the type of weapons of mass destruction Iraq possessed, and any ties between Iraq and al Qaeda for the last ten years, i.e., January 1, 1995 to the date of issuance of the records in response to this request.

<sup>1</sup> See "The Secret Downing Street Memo," The Sunday London Times, May 1, 2005, available at <http://www.timesonline.co.uk/article/0,,2087-1593607,00.html>.

4. All records relating to the planning and preparation for military action in Iraq available in any and all entities of the Executive Branch of United States Government for the period from January 1, 1995 to October 16, 2002.
5. All records relating to sorties flown over Iraq in which bombs were dropped and to the selection of targets for the dropping of such bombs for the period from January 1, 1995 to October 16, 2002.

Please include all applicable records which are:

- held by constituent entities of the agency,
- incorporated into the agency's files and read by the agency, or
- held by entities within the Executive Office of the President and not otherwise protected from disclosure by the Presidential Records Act.

We request a waiver of fees on the grounds that disclosure of the requested records is in the public interest and because disclosure "is likely to contribute significantly to the public understanding of the activities or operations of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii).

Many House Committees publish information that is disseminated to the public, and is widely available to the public at no cost. The records requested are not sought for commercial use, and the requester plans to disseminate the information disclosed as a result of this FOIA request.

Numerous news articles reflect the significant public interest in the records we seek.<sup>2</sup> Disclosure of the requested records will contribute significantly to the public's understanding of government conduct.

We recognize that several of FOIA's exemptions relating to the protection of national security interests and the government's deliberative processes may pertain to this request. Insofar as you feel these exemptions or criterion do apply, we respectfully request that you only redact sensitive information and still provide responsive memoranda, correspondence and other documentation in redacted form. This should include any e-mail correspondence as well, including the disclosure of the identities of correspondents, the mailing date for said correspondence, and the message's subject line, wherever possible. Similarly, because the national security exemption only protects information whose disclosure would impair national security, we expect any documentation containing intelligence now publicly known to be released in its original form or redacted only as necessary to protect the disclosure of information still falling within the appropriate FOIA exemption.

If our request is denied in whole or in part, we ask that you justify all deletions, omissions, or denials by reference to specific exemptions of the FOIA. We expect you to release all segregable portions of otherwise exempt material. We reserve the right to appeal a decision to withhold any information or to deny a waiver of fees. As you know, FOIA provides that even if some requested material is properly except from mandatory disclosure, all segregable portions of the same must be released. 5 U.S.C. § 552(b).

In addition, we ask that you exercise your discretion to release information that may be technically exempt but where withholding would serve no important public interest.

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<sup>2</sup> See, e.g., Glenn Frankel, "From Memos, Insights into Ally's Doubts on Iraq War," *The Washington Post*, June 28, 2005, at A01; John Daniszewski, "New Memos Detail Early Plans for Invading Iraq," *The Los Angeles Times*, June 15, 2005, at A1; Larisa Alexandrovna, "Coalition of Citizen Groups Seek Formal Inquiry into Whether Bush Acted Illegally in Push for Iraq War," *The Raw Story*, May 25, 2005, available at [http://rawstory.com/exclusives/alexandrovna/coalition\\_inquiry\\_downing\\_street\\_memo\\_526](http://rawstory.com/exclusives/alexandrovna/coalition_inquiry_downing_street_memo_526).

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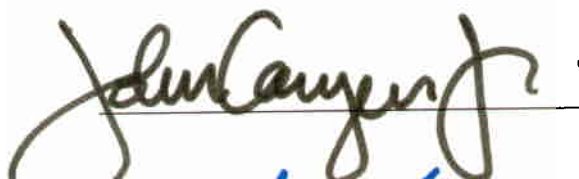
If the requested records are not in the possession of your agency (agencies), we ask that you forward this request to any agency you believe may have the records that are responsive to this request. In the alternative, we ask that you inform us of other agencies that may have such records, to the extent of your agency's knowledge.

If you have any questions regarding this request, please telephone Stacey Dansky of the House Judiciary staff at 202-225-6906. We will be happy to discuss ways in which this request may be clarified or slightly adjusted to reflect the agency's filing system and to expedite the search, if necessary.

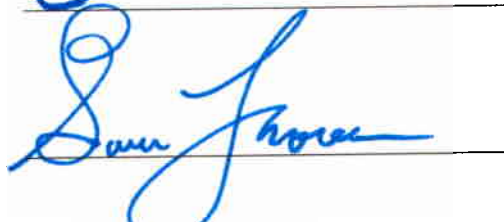
We look forward to your reply to this request within twenty (20) business days, as required under 5 U.S.C. § 552(a)(6)(A)(i).


Thank you in advance for your prompt attention and response to this matter.

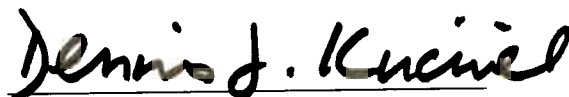
Sincerely,

  
Mike Thompson

  
Jim M. Bennett

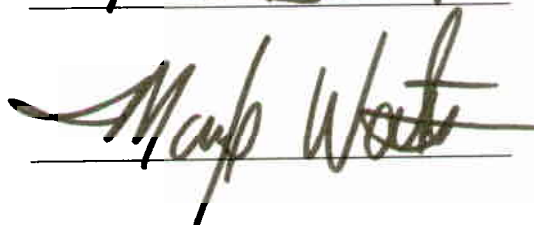
  
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